



## MEMORANDUM

**TO:** Public School Superintendents with Schools on Academic Probation under P.L. 221

**FROM:** Gary Wallyn, Director of Accreditation and Awards

**SUBJECT:** Consequences for Schools in the “Academic Probation” Category

**DATE:** April 4, 2008

At the April 2<sup>nd</sup> Board meeting, accredited Indiana schools were placed in one of five different accountability categories. Schools placed in the “Academic Probation” category under Indiana’s accountability system (Public Law 221-1999) are required to meet certain requirements outlined in **IC 20-31-9**.

### **Schools in the FIRST year of “Academic Probation”**

Indiana Code 20-31-9-2 specifies the key actions that must be taken by a school corporation during the first year its schools are on probation:

- Issue a public notice and hold a public hearing regarding the school’s lack of improvement
- Revise the school’s improvement plan to address the lack of improvement

Although no deadline is established by law, the Department recommends that the school corporation take the necessary steps to bring itself into compliance by September 1, 2008. If you have not already notified your public about the hearing, we recommend the hearing be scheduled after the start of the school year. When scheduling the hearing, it is also recommended that you take into account the time of day and distance that concerned members of the public will have to travel to participate in the meeting.

### **Public Notice/Hearing**

It is the decision of the local governing body as to how notice of the school’s lack of improvement is issued. At whatever venue the hearing is conducted, the meeting time and place must be announced in a way that can be accessed by the general public (per the Open Door Law under IC 5-14-1.5 *et seq.*). The local governing body must hold a separate public hearing for each school on academic probation. The hearings in each corporation may be scheduled consecutively, but not simultaneously, as the public testimony must specifically address each school’s lack of improvement.

### **Demonstrating Compliance**

School corporations may demonstrate compliance by submitting the following to our office by September 1, 2008.

- A copy of the public notice of a school’s lack of improvement that includes the date on which the public hearing occurred or will occur.
- A copy of the revisions to the school improvement plan. The School Improvement Plan Review and Revision ([DOE-RR](#)) can serve as the revision unless it does not address the school improvement issues that placed the school in the lowest category.
- If the local school board approves a request from the improvement committee for the Indiana State Board of Education to appoint an outside team to manage the school or assist in the development of a new plan, this request must be submitted on school corporation letterhead, accompanied by the minutes of the board meeting at which the request was approved.

## **Schools in the SECOND or THIRD consecutive year of “Academic Probation”**

Though the statutory requirement for a public hearing under P.L. 221 technically applies only during the first year a school is placed on “Academic Probation,” the Indiana Department of Education recommends that school corporations conduct public hearings each subsequent year a school remains on probation. These hearings continue the necessary community dialogue, gather valuable feedback, and garner public support to further school improvement efforts aimed at addressing areas of concern.

Schools in the **THIRD consecutive year** of “**Academic Probation**” have one year to improve academic performance and move out of “Academic Probation” or face consequences outlined in **IC 20-31-9-3**. Schools that continue to be placed in “Academic Probation” for a fourth consecutive year would also be accorded “**Probationary Accreditation Status**” in 2008-09. Schools placed in the third year of “Academic Probation” will receive a separate communication with more detailed information.

The Indiana Code regarding consequences for schools in probation is listed below. If you need assistance or have questions about this process, please contact our office by phone at 1-800-894-4044 or 317-232-9060 or via e-mail at [gwallyn@doe.state.in.us](mailto:gwallyn@doe.state.in.us).

### **Indiana Code that Applies to Consequences under P.L. 221**

#### **IC 20-31-9**

Chapter 9. Consequences

#### **IC 20-31-9-1**

##### **Inapplicability to nonpublic and charter schools**

Sec. 1. This chapter does not apply to the following:

- (1) A nonpublic school.
- (2) A charter school.

*As added by P.L. 1-2005, SEC. 15.*

#### **IC 20-31-9-2**

##### **School placed in lowest category or designation the first year**

Sec. 2. (a) This section applies the first year that a school is placed in the lowest category or designation of school improvement.

(b) The state board shall place the school and the school corporation on notice that the school is in the lowest category or designation of school improvement. Upon receiving the notice, the governing body shall:

- (1) issue a public notice of the school's lack of improvement; and
- (2) hold a public hearing in which public testimony is received concerning the lack of improvement.

(c) The committee shall revise the school's plan. A revision under this subsection may include any of the following:

- (1) Shifting resources.
- (2) Changing personnel.
- (3) Requesting the state board to appoint an outside team to manage the school or assist in the development of a new plan.

(d) If the governing body approves a request for the state board to appoint an outside team under subsection (c)(3), the school is considered to be placed under section 3 of this chapter.

*As added by P.L. 1-2005, SEC. 15.*

**IC 20-31-9-3****School remaining in lowest category or designation the third year after initial placement**

Sec. 3. (a) This section applies if, in the third year after initial placement in the lowest category or designation, a school still remains in the lowest category or designation.

(b) The state board shall establish and assign an expert team to the school. The expert team:

(1) must include representatives from the community or region that the school serves; and

(2) may include:

(A) school superintendents, members of governing bodies, and teachers from school corporations that are in high categories or designations; and

(B) special consultants or advisers.

(c) The expert team shall:

(1) assist the school in revising the school's plan; and

(2) recommend changes in the school that will promote improvement, including the reallocation of resources or requests for technical assistance.

*As added by P.L. 1-2005, SEC. 15.*

**IC 20-31-9-4****School remaining in lowest category or designation the fifth year after initial placement**

Sec. 4. (a) This section applies if, in the fifth year after initial placement in the lowest category or designation, a school still remains in the lowest category or designation.

(b) The state board shall do the following:

(1) Hold at least one (1) public hearing in the school corporation where the school is located to consider and hear testimony concerning the following options for school improvement:

(A) Merging the school with a nearby school that is in a higher category.

(B) Assigning a special management team to operate all or part of the school.

(C) The department's recommendations for improving the school.

(D) Other options for school improvement expressed at the public hearing, including closing the school.

(E) Revising the school's plan in any of the following areas:

(i) Changes in school procedures or operations.

(ii) Professional development.

(iii) Intervention for individual teachers or administrators.

(2) If the state board determines that intervention will improve the school, implement at least one (1) of the options listed in subdivision (1).

*As added by P.L. 1-2005, SEC. 15.*